

PATENT APPLICATION
Docket No. 13914.741

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of:

Watterson et al.

Serial No.:

09/943,741

Filed:

August 30, 2001

Confirmation No.:

8528

For:

ELLIPTICAL EXERCISE DEVICE WITH LEAF SPRING SUPPORT

Examiner:

Stephen R. Crow


NOV 09 2004

Art Unit
3764SECOND SUBMISSION OF PETITION UNDER 37 C.F.R. §1.181 TO WITHDRAW
HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTIONVIA FACSIMILE (703) 872-9306
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
Sir:

Please find transmitted herewith the Petition Under 37 C.F.R. § 1.181 To Withdraw Holding
of Abandonment Based On Failure To Receive Office Action, which was originally transmitted to
the facsimile number of (703) 308-5065 October 21, 2004.

Dated this 9 day of November 2004.

Respectfully submitted,

David B. Dellenbach
Attorney for Applicants
Registration No. 39,166
Customer No. 022913
Telephone No. (801) 533-9800DBD/alb
AB0000000164V001

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CENTRAL FAX CENTER

NOV 09 2004

PATENT APPLICATION
Docket: 13914.741

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
	Watterson et al.)
)
Serial No.:	09/943,741) Art Unit
) 3764
Filed:	August 30, 2001)
)
Confirmation No.:	8528)
)
For:	ELLIPTICAL EXERCISE DEVICE WITH LEAF)
	SPRING SUPPORT)
)
Examiner:	Stephen R. Crow)

TRANSMITTAL OF SECOND SUBMISSION UNDER 37 C.F.R. § 1.181 TO
WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE
OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Enclosed herewith is a Transmittal of Second Submission Under 37 C.F.R. § 1.181

To Withdraw Holding of Abandonment Based on Failure To Receive Office Action, in the
above-identified patent application.

Dated this 9 day of November 2004.

Respectfully submitted,



David B. Dellenbach
Attorney for Applicants
Registration No. 39,166
Customer No. 022913
Telephone No. (801) 533-9800

DBD/alb
AB0000000171V001

NOV 09 2004

VIA FACSIMILE (703) 308-5065

PATENT APPLICATION
Docket No. 13914.741

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Watterson, et al.

Serial No.: 09/943,741

Filed: August 30, 2001

Confirmation No. 8528

For: ELLIPTICAL EXERCISE DEVICE WITH LEAF
SPRING SUPPORT

Examiner: Stephen R. Crow

Art Unit
3764PETITION UNDER 37 C.F.R. § 1.181 TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTIONVIA FACSIMILE (703) 308-5056
ATTN: BLANCHE MAY – IMAGE ASSISTANCE CENTER
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.181, MPEP § 711.03(c), and the Attachment to the Notice of Abandonment mailed October 12, 2004, Applicants hereby petition to withdraw the holding of abandonment relating to Patent Application Serial No. 09/943,741 based on failure to receive a Notice of Allowance. The Applicants have never received a USPTO Notice of Allowance or a Notice of Allowability in this patent application. The Applicants were not aware that a Notice of Allowance or a Notice of Allowability had been issued until the enclosed Notice of

09/943,741

Page 2

Abandonment was received. The Applicants' counsel has searched the file jacket and docket records relating to Application Serial No. 09/943,741 and both indicate that a Notice of Allowance and a Notice of Allowability have never been received by Applicants' counsel. A copy of the docket record on which the nonreceived Notices of Allowance and Allowability would have been entered and docketed is enclosed. It shows that these Notices have not been received.

It is the Applicants' understanding that no fee is required for granting of this Petition. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment in regard to this matter to Deposit Account No. 23-3178. Duplicate copies of this authorization are enclosed.

In view of the foregoing, Applicants respectfully request that this Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action be granted. The Applicants also hereby request that copies of the Notice of Allowance and Notice of Allowability be sent to Applicants' counsel.

Dated this 21 day of October 2004.

Respectfully submitted,



David B. Dellenbach
Attorney for Applicants
Registration No. 39,166
Customer No. 022913
Telephone No. (801) 533-9800

DBD/lrc
LC0000001748V001